

**RHODE ISLAND ASSOCIATION OF THE DEAF, INC**

125 Bentley Street, East Providence, RI 02914-4949

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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MAR 29 1996

In the Matter of

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Closed Captioning and Video ) CC Docket No. 95-176

Description of Video )

Programming )

DOCKET FILE COPY ORIGINAL

COMMENTS OF:

**THE RHODE ISLAND ASSOCIATION OF THE DEAF, INC.**

**I. Introduction**

The Rhode Island Association of the Deaf submits these comments to the Federal Communications Commission's (FCC's) Notice on Inquiry (NOI) on closed captioning and video description. We also wish to express our support for the comments submitted in response to this NOI by the National Association of the Deaf and the Consumer Action Network. We applaud the FCC on its commitment to telecommunications access for all Americans and thank the FCC for the opportunity to submit these comments.

**II. Benefits of Closed Captioning**

Television provides a lifeline to the world, in the form of news, information, education, and entertainment. Just as a hearing person can derive little or no benefit from watching television with the volume off, a deaf or hard of hearing person can derive little or no benefit from watching a program with no captions. Because it is so integral to one's understanding and enjoyment of video programming, captioning needs to become an integral part of the production of all video programming. A producer or video provider would not think of exhibiting a television show without its soundtrack; neither, in the future, should a producer or video provider consider displaying a show without its captions.

Here in Rhode Island, Deaf citizens do not have equal access to most of the television shows just as our hearing friends have. Our three local news are captioned, but it is not really a "true" captioning because we are left out of the happenings during periods of life threatening weather. For example, there was a

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sudden storm recently in Rhode Island and the televised news had warned people to stay indoors. I went out not knowing about this. Thanks to the work of a wonderful local police officer who happened to see me driving. Without him, I wonder what would have happened to me. Also, most of our public broadcast systems are not captioned. A while ago, the state governor announced his budget speech on television. In spite of the fact that we called the state owned television station to close-caption it, we were ignored.

I get upset when I realize that I'm a law abiding, tax paying citizen of this state, yet I'm being denied all the rights and privilege accorded the hearing majority. This is really unfair! Also, close-captioning on is beneficiary not only to people like me, but also young Deaf citizens of Rhode Island. Most of our television programs is not just for viewing pleasure. They are also a great source of learning by young Deaf citizens. A few years ago, my organization, the Rhode Island Association of the Deaf donated a captioning decoder to a poor Deaf student from a Spanish speaking home. A couple of years later, his teachers were raving about the improvement in his reading and writing skills.

This student is now a junior and is preparing to enter a college. Whenever he see me, he always thank me for helping to make him what he is today. In addition, his Spanish speaking parents and siblings also showed remarkable improvement in their English speaking skills. So, close captioning not only help Deaf people, it also benefit million of citizens in homes where English is not the first language.

Other audiences can benefit from captioning as well. Research and anecdotal evidence shows that captioning has improved reading and English skills for children, illiterate adults, persons learning English as a second language, and remedial readers. In addition, captioning can help viewers understand the audio portion of television programs in noisy locations such as airports, hotel lobbies, and restaurants, or in quiet ones, such as government and private offices.

What more can I say about the benefit of captioning on other minority groups. The story I tells it all.

### **III. Availability of Closed Captioning**

Although 100% of prime time and children's programming on network broadcasts are captioned, most of the top 25 basic cable stations caption little or none of their programs. With the exception of CNN and USA, on average, fewer than 8% of basic cable programs are captioned. Similarly, few commercial advertisements are captioned, and hardly any coming attractions, program recaps, program previews, or station breaks are captioned, on either broadcast networks or cable stations.

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In addition, most locally produced programs, including those covering news and community affairs, are not captioned. In our state televised public hearings are not captioned. Even though most City Council meetings are televised, not a single one of them is captioned. Locally program Sunday morning news and interviews are not captioned. Our right to equal access to information is really being compromised. The ADA law was made to protect the equal access protect clause in our constituent, yet the failure of this law to include captioning of television programs is a great disservice to citizens who are Deaf and Hard of Hearing.

A while ago, I called a college to find out whether the TV course they are offering will be captioned for the benefit of their Deaf students. I'm sorry and sad to say it was not. I was forced to miss one important course I need for certification purpose. This is unfair because if hearing students can stay home and take this course, why can't students who are also Deaf or Hard of Hearing? Their parents pay taxes too.

### **IV. Funding of Closed Captioning**

The Commission is correct when it states that the federal government has played an important historical role in the funding of captioning. For example, the Department of Education has contributed significant funds directly to network broadcasters for the captioning of syndicated programming. Because the Telecommunications Act of 1996 now mandates captioning, video providers and owners will be soon be responsible for funding their own captioning. We support redirecting federal funds that are still available to funding research for improved captioning technology, providing subsidies for programmers that can show undue burden, and providing seed money for the captioning of programs by low-budget programmers and video program owners.

### **V. Quality**

The quality of closed captions varies considerably, and in Rhode Island, poor quality is one of the things we have been complaining about for so long now. While not many programs are close captioned - most are electronically captioned. In most cases, we do not know who is speaking because the person doing this captioning never bothered to give the name of the speaker. Lack of training is the key reason for this. Just because you are a court reporter or stenographer makes you an expert of tele-typing. In the court, there is time to edit what happens. In the case of captioning, what one types is what is seen and admitted as the truth. A lot of misinformation has been given to Deaf and Hard of Hearing citizens as a result of wrong information, etc.

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The FCC should establish minimum standards to ensure the high quality of captioning services. We propose the following guidelines to assist in the development of such standards:

1. Individuals who depend on captioning must receive information about the audio portion of the program which is functionally equivalent to the information available through the program's soundtrack. In order to meet this standard, caption data and information contained in the program's soundtrack must be delivered intact, throughout the entire program.

Captions are intended to replace the audio portion of a program; where the Commission imposes requirements to caption particular programs, those programs should be captioned in their entirety, as should the commercials and station news segments aired during their breaks.

2. Requirements for proper spelling, grammar, timing, accuracy and placement of captions should be designed to achieve full access to video programming.

3. Captions should include not only verbal information, but other elements of the soundtrack necessary for accessibility. These must include identification of the individual who is speaking where this is unclear to the viewer, sound effects, and audience reaction.

4. Captions should be provided with the style and standards which are appropriate for the particular type of programming that is being captioned. For example, often local newscasts are captioned with computer-generated captioning - also known as electronic newsroom captioning. This method simply does not provide functionally equivalent video service because it misses the captioning of live interviews, sports and weather updates, school closings, and other late breaking stories which are not pre-scripted. Additionally, this method produces captions which are typically out of sync with what is being reported, lagging far behind or jumping way ahead of the anchor person's statements. For all of these reasons, the Commission should require real time captioning for local news broadcasts and all other live programming. Real time captioning uses a caption stenographer to simultaneously caption live audio programming, ensuring that viewers receive complete and up-to-the-minute captions of all that is on the soundtrack.

5. Captions must be reformatted as necessary if the programs on which they have been included have been compressed or otherwise edited. Videos are frequently edited as they move from movie theaters to premium cable stations to basic cable stations to syndication. This editing process typically entails removing frames of the video to compress it into a smaller time period. Video providers must be required to reformat captions on programs that have been edited to ensure that such captions are presented intact and in place.

6. Care must be taken to ensure that captioning remains intact as it moves through the distribution chain from its point of origination to the local video provider. Often captions on programs that are initially intact either arrive scrambled or are even stripped by the time such programs reach their final cable or

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local network destinations. This problem can easily be remedied by requiring individuals positioned at signal monitoring stations to monitor captions as they pass from a program's site of origination to local affiliates, cable providers, or other final destinations.

7. Open character generated announcements, such as emergency warnings, weather advisories, election results, and school closings should not obstruct or be obstructed by closed captions. Standards need to be developed to ensure the proper placement of these open scrawls.

In developing the above minimum standards, the Commission should work closely with deaf and hard of hearing individuals and captioning services who have had first hand experience with captioning. We propose the creation of a regulatory negotiated rulemaking committee for this purpose.

### **VI. Transition**

The Commission has requested comment on appropriate timetables for providing captioning of video programming. The target for any set of timetables implemented by the Commission should be 100 percent captioning of all television programs, subject to the undue burden exemptions. No category of programming should be completely exempt from the captioning requirements. We recognize, however, that a goal of 100% captioning will not be met overnight. Accordingly, we propose initially requiring premium cable stations to caption 100 percent of their programs within 90 days of the effective date of the FCC's rules.

We also propose that the FCC develop a set of timetables that will begin to require captioning for new programs (i.e. programs that are first published or exhibited after the effective date of the FCC's captioning regulations) within six months after the effective date of the FCC's rules. Timetables for captioning can thereafter depend on the size of the video programmer/owner (with larger programmers and owners being subject to the Commission's rules more quickly), the type of program (with news and current affairs taking first priority), and the airing time for the program (with requiring the captioning of prime time shows before other time slots). Again, although some programmers and owners may have additional time to comply with the captioning rules, the Commission should set as its ultimate objective 100 percent captioning for all those not exempted because of an undue burden.

### **VII. Conclusion**

On February 8, 1996, President Clinton signed the Telecommunications Act of 1996 into law. For the first time in our nation's history, that law mandates the provision of closed captioning for nearly all television programming. The Conference Report accompanying this Act states that it is "the goal of the House to ensure that all Americans ultimately have access to video services and

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programs, particularly as video programming becomes an increasingly important part of the home, school, and workplace." Conf. Rep. No. 104-458, 104th Cong., 2d Sess. (1996) at 183-4. In keeping with this goal, the FCC initiated this NOI so that it could gather the information needed to promulgate comprehensive regulations on video captioning. We thank the FCC for doing so, and urge the Commission to complete this proceeding and issue captioning rules in an expedited fashion.

Respectfully submitted,

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President

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